

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

WP(C).No. 2615 of 2007(J)

PETITIONERS:

- 1. S. JAYAKUMAR, AGED 48 YEARS,
S/O.SIVARAMAN UNNITHAN,
JAYA SADANAM, PUNUKKONNOOR, PERUMPUZHA P.O.,
(FORMER PRESIDENT OF PUNKKONNOOR
DESABHIVARDHINI SERVICE CO-OPERATIVE BANK
LTD.NO.2745), KOLLAM.**
- 2. G. RADHAKRISHNA PILLAI,
AGED 54 YEARS, S/O.JANARDHANAN PILLAI,
THUSHARAM, PUNAKKONNOOR, PERUMPUZHA P.O.,
KOLLAM DISTRICT.**
- 3. M. OMANA AMMA, AGED 63 YEARS,
W/O.SREEDHARAN PILLAI, RADHAMANDIRAM,
PUNAKKONNOOR, PERUMPUZHA P.O.,
KOLLAM DISTRICT.**

BY ADV. SRI.P.V.MOHANAN

RESPONDENTS:

- 1. THE JOINT REGISTRAR OF
CO-OPERATIVE SOCIETY (GENERAL)
KOLLAM.**
- 2. UNIT INSPECTOR, ADICHANELLOOR,
OFFICE OF THE ASSISTANT REGISTRAR,
KOLLAM, (ADMINISTRATOR, PUNUKKONNOR
DESABHIVARDHINI SERVICE CO-OPERATIVE
BANK).**
- 3. INDRA SENAN, SECRETARY
(UNDER SUSPENSION) PUNUKKONNOR DESABHIVARDHINI
SERVICE CO-OPERATIVE BANK,
VARUR VEEDU, PERUMPUZHA P.O., KOLLAM.**

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4. K.G. REMA DEVI, CLERK-CUM CASHIER
(UNDER SUSPENSION) PUNUKKONNOR
DESABHIVARDHINI SERVICE CO-OPERATIVE BANK
GANGA, KARICODE, T.K.M.C.P.O., KOLLAM.

5. P.R. RATHEESH, ATTENDER
(UNDER SUSPENSION), PUNUKKONNOR
DESABHIVARDHINI SERVICE CO-OPERATIVE
BANK, RAJESH BHAVAN, PERUMPUZHA P.O.,
KOLLAM.

6. THE STATE OF KERALA, REPRESENTED BY
SECRETARY, CO-OPERATIVE DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

*ADDL.R7 TO R9 ARE IMPEADED:

R7. SASIDHARAN PILLAI, CONVENER,
ADMINISTRATIVE COMMITTEE PUNUKKUNNOOR
DESABHIVARDHINI SERVICE CO-OPERATIVE BANK,
SASI MANDIRAM, PUNUKKUNNOOR,
PERUMPUZHA P.O., KOLLAM.

R8. K.J.SAM, MEMBER,
PUNUKKUNNOOR,
DESBHIVARDHINI SERVICE CO-OPERATIVE BANK,
KANCHIRATHUMOOTIL HOUSE,
PUNUKKUNNOOR, PERUMPUZHA P.O.

R9. MURUGAN PULARI,
MEMBER, PUNUKKUNNOOR DESABHIVARDHINI SERVICE
CO-OPERATIVE BANK, PUNUKKUNNOOR, PERUMPUZHA P.O.

(*ADDL.R7 TO R9 ARE IMPEADED AS PER ORDER DTD. 19/03/2007
IN I.A.NO.3935/2007)

R1 & R2 BY GOVERNMENT PLEADER SRI.P.K.RAVIKRISHNAN
R3 & R4 BY ADV. SRI.V.BHASKARAN PILLAI
SRI.B.VINOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01/12/2007 ALONG WITH WPC.NO.31432 OF 2007, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Kss

WPC.NO.2615/2007 J

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF ENQUIRY REPORT.

EXT.P2: COPY OF REPRESENTATION DTD. 12/01/2007.

EXT.P3: COPY OF REPRESENTATION DTD. 12/01/2007.

EXT.P4: COPY OF ORDER NO.CRP 4060/06 DTD. 12/01/2007.

EXT.P5: COPY OF COMPLAINT DTD. 14/01/2007.

EXT.P6: COPY OF COMPLAINT DTD. 14/01/2007.

EXT.P7: COPY OF ORDER NO.CRP.NO.4060/06 DTD. 06/02/2007.

3RD RESPONDENT'S EXHIBIT:

**EXT.R3A: COPY OF THE REPORT DTD. 30/12/2006 BY THE
ENQUIRY OFFICE.**

/TRUE COPY/

P.S.TO JUDGE

KSS

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).Nos.2615/2007-J & 31432/2007-P

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Dated this the 1st day of December, 2007.

JUDGMENT

1. These writ petitions relate to Punukkonnoor Desabhivardhini Service Co-operative Bank Ltd. No.2745. It is represented by its present administrative committee in WP(C).31432/2007. The matters being intricately connected and having regard to the issues involved, these writ petitions are heard together and are disposed of finally, by this common judgment.

2. The petitioners in WP(C).2615/2007 and others were members of the elected committee of the Society. Acting on certain resignation letters, an administrator was appointed. WP(C).2615/2007 is filed disputing those resignation letters and refuting that petitioners 2 and 3 therein had

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resigned.

3. Some of the employees of the Society, including the petitioners in WP(C).31432/2007, were facing disciplinary proceedings. That resulted in an enquiry report. WP(C).31432/2007 is filed by two employees, who are under suspension, seeking direction to pay subsistence allowance.

4. Among other things, it was contended in WP(C). 2615/2007 that the administrator would interfere with the disciplinary proceedings adverse to the interest of the Society. The petitioners therein apprehended that the administrator or administrative committee is likely to reinstate the delinquent persons. Accordingly, an interim order was issued on WP(C).2615/2007 granting stay of all proceedings on the basis of the enquiry report.

5. With the passage of time, the term of the committee of which the petitioners in WP(C).

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2615/2007 were members, has run out. No useful purpose will be served in deciding this case on the merits of the contentions because, the only ground on which the administrator was appointed was the alleged resignation and not any misconduct attributable to the members of the committee.

6.The petitioners in WP(C).31432/2007 are still continuing under suspension and further action on the basis of the enquiry report has been stayed by this Court. Therefore, it goes without saying that they would be entitled to subsistence allowance.

7.For the foregoing reasons, these writ petitions are disposed of in the following manner:

a. The administrative committee is directed to immediately take necessary steps to conduct the election within an outer limit of three months from the date of

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receipt of a copy of this judgment. Following the interim order, there will be a direction that the election shall be conducted in terms of the electoral roll that would be available following the interim order dated 23-1-2007.

b. Any further action on the basis of the enquiry report, which is Ext.P1 in WP (C).2615/2007, will stand deferred till the elected committee comes into office.

c. This judgment does not touch upon any consequence of the departmental enquiry which may take its course, in accordance with law. Such proceedings shall not be finalised without affording a sufficient opportunity of being heard, to the necessary parties.

d. The petitioners in WP(C). 31432/2007 shall be paid subsistence

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allowance for the period during which they continued under suspension. It is so directed. The prayer for reinstatement on the basis of the pleadings in the said writ petition is refused.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

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